

GENERAL SERVICES AGENCY  
OFFICE OF LABOR STANDARDS ENFORCEMENT  
PATRICK MULLIGAN, DIRECTOR



**SWEATFREE PROCUREMENT ADVISORY GROUP**  
**Minutes from the May 11, 2023, 2:00 pm**

**Members Present:** Jason Oringer, Conchita Lozano Batista, Coyote Codornices Marin, Joyce Kimotsuki, John Logan

**Members Excused:** Julie Fisher

**City Staff Present:** Pat Mulligan, Hallie Albert, Shawn Peeters, Sailaja Kurella

**WRC Present:** Ben Hensler

**CALL TO ORDER/INTRODUCTIONS**

**1. ADOPTION OF AGENDA**

Meeting agenda was adopted without opposition.

**2. PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA**

No public comment.

**3. APPROVAL OF MINUTES**

The minutes from the meeting of January 12, 2023 meeting were reviewed and adopted unanimously with the change of a misspelled word.

**4. REVIEW PROPOSED CHANGES TO ADMIN CODE**

Sailaja Kurella presented the proposed legislation changing the reporting requirements related to 12U. Currently, OCA is required to report to the Board of Supervisors (BOS) on a quarterly basis. Since OCA reports to the SPAG, OCA believes this quarterly reporting to the BOS is an unnecessary use of resources. There is no requirement for OCA to report to the SPAG but they regularly do and would do so if the SPAG requested.

Jason Oringer inquired about what the quarterly reporting looks like. Shawn Peeters explained that the report OCA regularly provides to the SPAG is a more detailed version of the report they send to the BOS, and it includes the life of the contracts and the status on 12U forms being collected. Kurella explained that the data in the report is pulled from Open Data SF and a report can be pulled for the SPAG upon request.

Coyote Codornices Marin asked about including in the legislation that OCA will provide a report to the SPAG upon request. Oringer asked whether the quarterly reports are searchable by the public. Kurella agreed to look into these questions.

Conchita Lozano Batista laid out a plan for amending the draft legislation: Include the language about OCA providing reports upon request, get an answer to Oringer's question about public access to the reports and then use the June 2023 meeting to decide if the language needs to be further changed. The group articulated the two intentions; 1. Codify the current arrangement of OCA reporting to the SPAG; and 2. Simplify so long as the reporting is accessible to the public.

Kurella will inquire about amending the language to require OCA to prepare and submit a report annually or upon request to the SPAG.

## **5. WRC UPDATE**

Ben Hensler from Workers Rights Consortium (WRC) provided an update to the group. Hensler explained that the new contract for monitoring requires WRC to first conduct an analysis of the supply chain and then develop an outreach plan for a factory and establish a complaint mechanism. This is contingent on having locations of the factories. The first batch of information OCA provided to WRC did not have the required information, based on a change in how OCA now collects information. OCA is circling back to gather the necessary information. This has caused a delay in the outreach program but WRC should be able to get it soon and act on it quickly.

## **6. OCA UPDATE**

Peeters received some responses from Muscatello's, but is still lacking the details WRC needs. A lot of change has occurred in the last few years to collect 12U forms at the contract level rather than at the PO level. Peeters believes Banner will produce the requested information by the end of May and explained the disconnect between the suppliers and OCA about what and when to collect regarding relevant information about the supply chain.

Lozano Batista explained that in the past, WRC looked into a factory that was no longer in contract so this approach is good. However, there needs to be a long-term fix to ensure accurate data since the current data being sought will eventually grow stale and WRC's new approach relied on current data. Peeters acknowledged this requires due diligence from OCA.

Hensler explained how in WRC's University monitoring work the apparel companies, like Nike and Adidas, submit the data to the people who do the licensing, and they in turn submit it to WRC. It is incorporated in the licensing agreement between the company and the university to accurately report the factory information. Once WRC has the data they will look at where the bulk of production takes place or a location prone to severe labor right violations, even if the order is small. Once WRC maps it out, they contact representatives in that country to connect WRC with NGOs, unions, and other organizations to conduct outreach and education on the rights provided for in the ordinance. Then WRC reviews the factories and identifies contacts at those factories so workers know how to report complaints to the contacts. The contracts in turn provide the complaints to WRC for review and if merited, investigation. This is the same process as has been used in WRC's work with universities for the past 20 years. It is a successful model, more effective for long term monitoring and remediation, and they are moving Los Angeles to the same model.

Peeters asked Hensler to share data others provide to WRC to inform OCA on how they should be moving forward and ensuring they collect the correct data. Hensler offered to share the "Transparency Pledge Coalition" standard for a basic set of data that companies purchasing apparel are expected to produce so Peeters can share that with City Suppliers.

## **7. CONTRACT RECOMMENDATION UPDATE**

Lozano Batista raised having WRC receive complaints within the third-party beneficiary right as previously discussed with CAL. Hensler said he would need to look at the City contracts and whether WRC is willing to serve in this role. The process would be helpful to allow WRC to develop a body of evidence to use in court if WRC is unsuccessful in mitigating and remediating the violations. Lozano Batista offered to reach out to CAL about creating a direct complaint mechanism that is incorporated in the required posting in the factory. This would provide an avenue for workers to correct violation. WRC would need sufficient time to investigate the complaints.

The group agreed to have Lozano Batista reach out to CAL and ask them to work with WRC on a plan. Codornices Marin said the group must address the complaints that WRC does not investigate and raised the importance of anonymity of the complainants. A discussion ensued about protecting a worker's identity and how WRC receiving the complaint would limit the exposure, particularly from the Sunshine Ordinance. The group also addressed the need to address wage violation based on the living wage standard and not just the local minimum wage.

#### **8. RECRUITMENT OF NEW MEMBERS**

Hallie Albert to share word version of the letter she previously sent to various law school and labor groups to the group so they can do individual outreach.

#### **9. POTENTIAL ITEMS FOR FUTURE AGENDAS**

June 8 Meeting:

Contract Change/CAL present

OCA Update on legislation – If Kurella finds that the BOS does not publish reports to the public, OCA to incorporate consistent language as on p.3 section i of the draft. Kurella to provide Albert with the changed language and Albert will share with the group and see if a meeting is needed sooner than June 8.

WRC absent from June meeting.